

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GENE C. BENCKINI	:	CIVIL ACTION
t/a	:	
BENCKINI NURSERIES,	:	
Plaintiff	:	
	:	
v.	:	
	:	
BRIAN HAWK, <u>et al.</u> ,	:	NO. 07-3580
Defendants	:	

ORDER

AND NOW this 14th day of September 2009, upon consideration of Plaintiff Benckini's Motion for Summary Judgment (Doc. No. 78), Defendants' Motion for Summary Judgment (Doc. No. 80) and the responses thereto, IT IS HEREBY ORDERED that Plaintiff's Motion is DENIED, and Defendants' Motion is GRANTED for the reasons contained in the accompanying Memorandum.

The Clerk of Court is instructed to CLOSE this case for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
UNITED STATES DISTRICT JUDGE